



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 16 2015

REPLY TO THE ATTENTION OF:

WN-16J

Aaron Luckstein, Supervisor
Southwest Regional Unit, Wastewater Section
Minnesota Pollution Control Agency
18 Wood Lake Drive SE
Rochester, MN 55904

Re: U.S. Environmental Protection Agency Review of Draft NPDES Permit, City of Little Falls
Wastewater Treatment Facility, Little Falls, Minnesota, Permit No. MN0020761

Dear Mr. Luckstein:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft National Pollutant Discharge Elimination System (NPDES) Permit for the City of Little Falls Wastewater Treatment Facility Little Falls, Minnesota, MN0020761 that was received via email on June 9, 2015, as well as earlier drafts dating back to May 2013. Based on our review of this draft permit, EPA would not object to issuance of the permit. Our position could change if any of the following occurs:

- 1) Prior to the actual date of issuance of a Proposed Permit, an effluent guideline or standard is promulgated which is applicable to the permit and which would require revision or modification of a limitation or condition set forth in the Draft Permit;
- 2) A variance is granted and the Permit is modified to incorporate the results of that variance;
- 3) There are additional revisions incorporated into the Permit which have not been agreed to by EPA; or
- 4) EPA learns of new information, including as the result of public comments, which causes EPA to reconsider its position.

Subject to the above conditions, the permit may be issued in accordance with the Memorandum of Agreement and pursuant to the Clean Water Act.

Although we currently do not intend to object to the issuance of this permit, EPA requests that you consider and address the recommendations provided in Enclosure A, which would strengthen or clarify the requirements in the draft permit.

When the Proposed Permit is prepared, please forward a copy and any significant comments received during any public notice period to r5npdes@epa.gov. Please include the EPA permit number, the facility name, and the words "Proposed Permit" in the message title. If you have any questions related to EPA's review of this permit, please contact Krista McKim at (312) 353-8270 or at McKim.Krista@epa.gov.

Thank you for your cooperation during the review process and your thoughtful consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin M. Pierard", with a stylized flourish at the end.

Kevin M. Pierard, Chief
NPDES Programs Branch

Enclosure

cc: Robin Novotny, MPCA

Enclosure A

U.S. Environmental Protection Agency
Draft NPDES Permit received July 6, 2015

Little Falls Wastewater Treatment Facility, NPDES Permit No. MN0020761

As stated in our letter, although we currently do not intend to object, EPA recommends that MPCA consider and address the following comments in order to improve the clarity and accuracy of the permit.

1. Phosphorous limits necessary to protect the immediate receiving water

MPCA states in the "TP WQBEL" memo and the fact sheet that water quality data suggest that the river at the point of discharge is meeting the eutrophication criteria. This statement is based on data that was collected 12 miles downstream of the facility where the fact sheet states that the average phosphorous concentration in the river is above the criteria, while the chlorophyll-a data is below the criteria. It is not clear that data collected 12 miles downstream are representative of the immediate reach where the discharge is occurring. The fact sheet concludes that the reach of the river is not impaired. However, federal regulations (40 CFR §§122.44(d), 122.4(d)) require that WQBEL's be applied in permits where there is the reasonable potential for standards to be exceeded and does not only apply to impaired waters. In short, EPA does not believe there is enough data to support a finding that the waterbody is meeting the criteria, nor that a WQBEL is needed. EPA suggests that either the MPCA collect or require the permittee to collect data closer to the facility discharge necessary to make this determination over the next permit term.

2. Implementation of recommendations from draft Lake Pepin draft TMDL and associated modeling

The annual rolling total limit included in the permit is based on the draft Lake Pepin TMDL and associated modeling, which has not been approved by EPA. In this case, the facility is relatively small, contributes a relatively insignificant load of phosphorous to Lake Pepin, and the limit does require some modest reductions in phosphorous compared to what is currently being discharged. The annual rolling total limit of 2653 kg/yr is included in the permit. However, we strongly recommend that MPCA add a monthly average limit to the permit, so that the permit is consistent with federal regulations at 40 CFR 125.45(d) and is protective of water quality during critical periods.

3. Expression of Phosphorous limit in permit

In response to EPA's request to put the phosphorous limit into the limits and monitoring table, MPCA added a footnote: "*See the Compliance Schedule Chapter for additional information. The permittee is required to achieve a limit of 2,653 kg/year on or before August 31, 2022.*" This change was made because MPCA stated that the limit could not go into the table due to limitations in the software package used to draft permits. Since that time, EPA has received a draft permit for a different facility which contains the annual rolling total limit in the table. We assume this change can now be made for the Little Falls permit. Please include the limit in the table.

4. Fact Sheet language regarding phosphorous

Page 13 of the fact sheet contains the following statement:
"draft Lake Pepin – Excess Nutrients TMDL

Enclosure A

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- The discharge is located within the project area and as a result a staff limnologist should review the permit to evaluate whether the existing phosphorus limit is consistent with wasteload allocation assumptions.”

It is unclear what this statement is meant to convey, as it indicates that review by a staff limnologist is forthcoming and has not been completed. We believe this review has been completed. Please revise as necessary.